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February 3, 2025
VIA ECF

The Honorable Naomi Reice Buchwald, U.S.D.J.
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *Nike, Inc. v. S2, Inc. et al., USDC SDNY Case No. 1:24-cv-05307-NRB*

Dear Judge Buchwald:


Pursuant to the Court's December 5, 2024 Civil Case Management Plan and Scheduling Order, (Dkt. No. 40, the "Order"), plaintiff Nike, Inc. ("Nike") and defendants S2 Services Inc., Surgeon Worldwide, Inc., Dominic Chambrone a/k/a Dominic Ciambrone, and Dallas Imbimbo (the "Shoe Surgeon," and together with Nike, the "Parties") respectfully submit this joint status update.

The Parties are engaged in fact discovery (while prioritizing certain discovery as per the Court's suggestion). The Shoe Surgeon timely responded to Nike's First Sets of Requests for Production, Interrogatories, and Requests for Inspection on January 27 and January 29, respectively. Nike will timely respond to the Shoe Surgeon's First Sets of Requests for Production, Interrogatories, and Requests for Admission by February 7, 2025. The Shoe Surgeon also anticipates responding to Nike's Second Set of Interrogatories that same day.

Nike filed its partial motion to dismiss the Shoe Surgeon's defamation counterclaim on January 21, 2025. (ECF No. 45.) For the reasons stated in Nike's opening brief, Nike believes that the Parties should agree to stay discovery on that counterclaim pending resolution of the motion. (*Id.* at 18-19, n.8.) On January 31, 2025, The Shoe Surgeon notified Nike that it will amend its counterclaim per Rule 15, rather than oppose Nike's pending motion. The Parties will continue to confer on Nike's proposal to partially stay discovery on defamation should Nike move to partially dismiss The Shoe Surgeon's forthcoming amended counterclaim.

The Parties thank the Court for its attention to this matter.

Application granted. Nike's pending motion to dismiss, ECF No. 45, is denied as moot.
SO ORDERED.


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Dated: February 4, 2025
New York, New York

Hon. Naomi Reice Buchwald
January 31, 2025
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Respectfully submitted,

/s/ Tamar Y. Duvdevani

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cc: All Counsel of Record via ECF